

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

DEVONTA NOWDEN,

Plaintiff,

v.

LASALLE CORRECTIONS, ET AL.,

Defendants.

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CIVIL ACTION NO. 5:19-CV-00021-RWS-CMC

ORDER

Plaintiff Devonta Nowden, a former inmate of the Bowie County Correctional Center proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. § 1983 complaining of alleged violations of his constitutional rights. This Court referred the case to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Plaintiff sued a fellow inmate named Donta Carson and LaSalle Corrections, the private corporation which operates the Bowie County Jail. The Magistrate Judge ordered Plaintiff to pay the statutory filing fee or submit a proper application for leave to proceed *in forma pauperis*. Plaintiff received a copy of this order but did not comply.

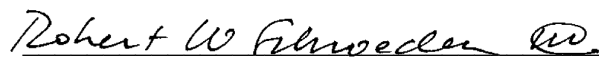
After review of the pleadings and records, the Magistrate Judge issued a Report recommending the lawsuit be dismissed without prejudice for failure to state a claim upon which relief may be granted and, alternatively, for failure to prosecute or to obey an order of the Court (Docket No. 5). A copy of this Report was sent to Plaintiff at his last known address, return receipt requested, but no objections have been received. The on-line records of Bowie County show Plaintiff was released from the jail on March 3, 2020; to date, he has not provided a current mailing address or contacted the Court in any way. The lawsuit form filed by Plaintiff contains a declaration acknowledging that Plaintiff understands it is his responsibility to keep the Court

informed of his current mailing address. Docket No. 1 at 6.

Because no objections to the Magistrate Judge's Report have been filed, Plaintiff is not entitled to *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, he is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C. § 636(b)(1)(C); *Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc). Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and agrees with it. See *United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants, . . .’”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)). It is therefore

ORDERED that the Magistrate Judge’s Report (Docket No. 5) is **ADOPTED** as the opinion of this Court and the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief may be granted and, alternatively, failure to prosecute or to obey an order of the Court.

So ORDERED and SIGNED this 21st day of September, 2020.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE